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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 SFR INVESTMENTS POOL 1, LLC a
14 Nevada limited liability company,

15 Plaintiff,

16 vs.

17 WELL'S FARGO BANK, N.A., a national
18 association; JOSEPH A. HOLMES, an
19 individual; SONJA J. PALMER, an
20 individual; and DOES I through X; and ROE
21 CORPORATIONS I through X, inclusive,

22 Defendants.

23 **Case No.: 2:13-cv-01153-APG-PAL**

24 **SFR INVESTMENTS POOL 1, LLC's
25 RESPONSE TO DEFENDANT, WELLS
26 FARGO BANK, N.A.'S RESPONSE TO
27 ORDER TO SHOW CAUSE WHY THIS
28 ACTION SHOULD NOT BE DISMISSED
FOR LACK OF SUBJECT MATTER
JURISDICTION [DKT. NO. 98]**

29 SFR Investments Pool 1, LLC ("SFR") files this Response to Defendant, Wells Fargo
30 Bank, N.A.'s ("Bank") Response to Order to Show Cause Why This Action Should Not Be
31 Dismissed For Lack of Subject Matter Jurisdiction (hereinafter the "Order") entered on March
32 17, 2016. (Dkt. No. 97). For the reasons stated below, SFR submits this Response as Complete
33 Diversity Exists.

34 **Jurisdiction Exists Under 28 U.S.C § 1332.**

35 **The Plaintiff and the Defendants Are Citizens of Different States.**

36 SFR upon information and belief, believes the Defendant, Wells Fargo Bank, N.A. is a
37 nationally chartered bank with its charter filed in South Dakota and incorporated in the State of
38 Delaware, with its principal place of business located in Sioux Falls, South Dakota. Therefore,
39 the Bank is a citizen of the States of Delaware and South Dakota.

40 SFR upon information and belief, believes the former homeowners, defendants, JOSEPH

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1 A. HOLMES and SONJA J. PALMER are citizens of and residing in the State of Nevada. SFR
 2 also believes that the former homeowners were not fraudulently named and were necessary
 3 parties to the original action.

4 28 U.S.C. § 1332 requires complete diversity for subject matter jurisdiction to exist. The
 5 Plaintiff, SFR is a Nevada limited liability company (“LLC”). “[A]n LLC is a citizen of every
 6 state of which its owner/members are citizens.” Johnson v. Columbia Properties Anchorage, LP,
 7 437 F.3d 894, 899 (9th Cir. 2006). Public records show that SFR is wholly owned by SFR
 8 Investments, LLC, a Nevada LLC, which is wholly owned by SFR Funding, LLC, a Delaware
 9 LLC, which is wholly owned by a Canadian Entity, Xiemen LP. Upon information and belief,
 10 none of Xieman LP’s partners are citizens of the United States.

11 The Bank does not provide any substantive response to the Court, other than stating:
 12 “Wells Fargo does not oppose this matter being remanded.”¹ This response is a complete
 13 contradiction of the Bank’s initial position, when they petitioned to remove this matter from
 14 State Court. As stated in the Bank’s Petition for Removal, there is complete diversity between
 15 all Plaintiffs and Defendants.² SFR maintains its position now, as it did three years ago, that
 16 complete diversity exists.

17 SFR is highly concerned about the Bank’s Response. Without actually answering the
 18 Court’s order and providing information on diversity, the Bank states: “SFR lacks standing to
 19 oppose remand, as SFR originally elected to file suit in the Eighth Judicial District Court, Clark
 20 County, Nevada, and cannot now object to remand to that forum.” This statement is wrong. By
 21 the Bank’s lack of formulating a substantive response to the Order inquiring about Subject
 22 Matter Jurisdiction, they are essentially asking for this matter to be remanded. There is no legal
 23 basis for remanding this matter back to State Court. As this matter has been properly before this
 24 Court for almost three years and there are several dispositive motions pending before this Court.
 25 The Bank is essentially forum shopping! The Bank cannot remove this matter from State Court
 26 and then after three years, unilaterally ask the Court to remand the action back without sufficient

27 ¹ See Plaintiff’s Response to Order, filed in this matter on March 24, 2016, [Dkt. 98].

28 ² See Plaintiff’s Petition for Removal, filed in this matter on June 28, 2016, [Dkt. 1].

1 legal reason.

2 Therefore, upon information and belief, SFR agrees with the Bank in their Petition for
3 Removal that complete diversity exists between the parties.

4 **CONCLUSION**

5 SFR believes this case is properly before this Court and should not be dismissed for
6 Lack of Subject Matter Jurisdiction.

7 RESPECTFULLY SUBMITTED this 25th day of March, 2016.

8 **KIM GILBERT EBRON**

9
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of March, 2016, pursuant to FRCP 5, I served via the CM/ECF filing system the foregoing **SFR INVESTMENTS POOL 1, LLC's RESPONSE TO DEFENDANT, WELLS FARGO BANK, N.A.'S RESPONSE TO ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD NOT BE DISMISSED FOR LACK OF SUBJECT MATTER JURISDICTION [DKT. NO. 98]** to the following parties:

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